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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PAINTERS JOINT COMMITTEE, through its designated fiduciaries, John Smirk and Thomas Pfundstein; IUPAT INDUSTRY PENSION FUND; EMPLOYEE PAINTERS TRUST HEALTH & WELFARE FUND; PAINTERS VACATION-HOLDIAY SAVINGS FUND; PAINTERS INDUSTRY PROMOTION FUND; PAINTERS JCIP FUND; PAINTERS ORGANIZING FUND; and PAINTERS LABOR MANAGEMENT CONTRACT FUND;

CASE NO. 10-CV-1385-JCM-PAL

**NOTICE OF WITHDRAWAL OF
MOTION FOR SUMMARY
JUDGMENT**

Plaintiffs,

vs.

J.L. WALLCO, INC. dba Wallternatives, a Nevada corporation; GENUINE QUALITY COATINGS, INC., a Nevada corporation; SUNRISE PAINTING/RCH, INC., a Nevada Corporation; RICHARD REJAN NIETO, individually and dba Genuine Quality Coatings, Inc.; CLAUDIA BAMMER aka Claudia Nieto, and individual; RICHARD RAOUL (AKA RQOUL) NIETO, an individual; GREAT AMERICAN INSURANCE COMPANY; JOHN DOES I-XX, inclusive; and ROE ENTITIES I-XX, inclusive;

Defendants.

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

On or about October 6, 2010, Defendants GENUINE QUALITY COATINGS, INC., SUNRISE PAINTING/RCH, INC., RICHARD REJAN NIETO, CLAUDIA BAMMER, and RICHARD RAOUL NIETO filed, in response to Plaintiffs' complaint, a Motion for Summary Judgment. Subsequently, on October 12, 2010, Defendant GREAT AMERICAN INSURANCE

1 COMPANY filed a joinder to the Motion.

2 Defendants hereby withdraw their Motion without prejudice. Defendants reserve the right
3 to file a new motion in good faith as circumstances warrant.

4 DATED: this 9th day of November 2010. WOODBURY, MORRIS & BROWN

5 /s/ Zachariah B. Parry

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CERTIFICATE OF MAILING

I hereby certify that on the 9th day of November 2010, I caused to be served a true and correct copy of the **NOTICE OF WITHDRAWAL OF MOTION FOR SUMMARY JUDGMENT** by filing the same with the CM/ECF electronic filing system of the United States District Court for the District of Nevada, which is automatically sent to the following individuals:

Evan L. James, Esq.
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/s/ Zachariah B. Parry
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